

Assembly Bill No. 1642

CHAPTER 231

An act to amend Sections 6045, 6046, 6047.7, 6047.9, 6047.19, 6047.20, 6047.21, 6047.27, and 6047.29 of the Food and Agricultural Code, relating to pest control, and making an appropriation therefor.

[Approved by Governor August 21, 2014. Filed with
Secretary of State August 21, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1642, Chesbro. Pest control: Pierce's disease.

Existing law establishes the Pierce's Disease Control Program in the Department of Food and Agriculture, and the Pierce's Disease Management Account in the Food and Agriculture Fund. Existing law allows money in this account to be expended as specified to combat Pierce's disease and its vectors, including the glassy-winged sharpshooter, and for purposes relating to other designated pests and diseases, as provided. Existing law makes these provisions inoperative on March 1, 2016, and repeals them on January 1, 2017.

This bill would extend to March 1, 2021, the date on which the above provisions become inoperative, and would repeal those provisions on January 1, 2022.

Existing law creates in the department the Pierce's Disease and Glassy-winged Sharpshooter Board, which consists of specified members, and prescribes the functions and duties of the board with respect to implementation of the Pierce's disease program. Existing law provides for an annual assessment to be paid by grape processors, as defined, into the Food and Agriculture Fund for the purposes of, among other things, research and other activities related to the Pierce's disease program. Existing law repeals these provisions on March 1, 2016.

This bill would extend the repeal date of these provisions to March 1, 2021, and would make related conforming changes. Because assessments collected pursuant to these provisions are deposited into the Food and Agriculture Fund, a continuously appropriated fund, by extending the date until which the assessments are collected, the bill would make an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 6045 of the Food and Agricultural Code is amended to read:

6045. (a) The Legislature finds and declares that the plant killing bacterium, *Xyella Fastidiosa* and the resulting pathogen, Pierce's disease, and its vectors present a clear and present danger to California's 60-billion-dollar grape industry, as well as to many other commodities and plant life.

(b) There exists an ongoing need for at least fifteen million dollars (\$15,000,000) annually in research and programs to combat Pierce's disease and its vectors in California.

SEC. 2. Section 6046 of the Food and Agricultural Code is amended to read:

6046. (a) There is hereby created in the department the Pierce's Disease Control Program.

(b) The Governor shall appoint a statewide coordinator, and the secretary shall provide an appropriate level of support staffing and logistical support for combating Pierce's disease and its vectors.

(c) (1) There is hereby created the Pierce's Disease Management Account in the Food and Agriculture Fund.

(2) The account shall consist of money transferred from the General Fund and money made available from federal, industry, and other sources. Money made available from federal, industry, and other sources shall be available for expenditure without regard to fiscal year for the purpose of combating Pierce's disease or its vectors and for the purpose described in Section 6047.30. State general funds to be utilized for research shall be expended only when the secretary has received commitments from nonstate sources for at least a 25-percent match for each state dollar to be expended.

(d) The funds appropriated pursuant to this section to the Food and Agriculture Fund for the purpose of combating Pierce's disease and its vectors shall be used for costs that are incurred by the state or by local entities during and subsequent to the fiscal year of the act that added this section for the purpose of research and other efforts to combat Pierce's disease and its vectors.

(e) Whenever, in any county, funds are allocated by the department for local assistance regarding Pierce's disease and its vectors, those funds shall be made available to a local public entity, or local public entities, designated by that county's board of supervisors.

(f) Funds appropriated for local assistance shall not be allocated to the local public entity until the local public entity creates a Pierce's disease work plan that is approved by the department. Any funds allocated by the department to a designated local public entity shall be utilized for activities consistent with the local Pierce's disease work plan or other programs or work plans approved by the department. It shall be the responsibility of the designated local public entity to develop and implement the local Pierce's disease work plan. Upon request, the department shall provide consultation to the local public entity regarding its work plan.

(g) The work plan created by the designated local public entity shall include, but is not limited to, all of the following:

(1) In coordination with the department, the development and delivery of producer outreach information and training to local communities, groups, and individuals to organize their involvement with the work plan and to raise awareness regarding Pierce's disease and its vectors.

(2) In coordination with the department, the development and delivery of ongoing training of the designated local public entity's employees in the biology, survey, and treatment of Pierce's disease and its vectors.

(3) The identification within the designated local public entity of a local Pierce's disease coordinator.

(4) The proposed treatment of Pierce's disease and its vectors. Treatment programs shall comply with all applicable laws and regulations and shall be conducted in an environmentally responsible manner.

(5) In coordination with the department, the development and implementation of a data collection system to track and report new infestations of Pierce's disease and its vectors in a manner respectful of property and other rights of those affected.

(6) On an annual basis, while funds appropriated by this section are available for encumbrance, the department shall review the progress of each local public entity's activities regarding Pierce's disease and its vectors and, as needed, make recommendations regarding those activities to the local public entity.

(h) (1) The department shall report to the Legislature each January 1 while this section is operative, regarding its expenditures, progress, and ongoing priorities in combating Pierce's disease and its vectors in California.

(2) A report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(i) This article shall become inoperative on March 1, 2021, and as of January 1, 2022, is repealed, unless a later enacted statute that is enacted before January 1, 2022, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 6047.7 of the Food and Agricultural Code is amended to read:

6047.7. (a) During the first marketing season, beginning July 1, 2001, and ending June 30, 2002, the annual assessment shall be three dollars (\$3) for each one thousand dollars (\$1,000) assessed pursuant to Section 6047.9 for all grapes subject to assessment under this article. The department shall notify each processor of the established assessment as soon as practicable. For each marketing season thereafter, the following shall apply:

(1) An annual assessment shall be recommended by the board and submitted to the secretary for approval in an amount not to exceed three dollars (\$3) for each one thousand dollars (\$1,000) assessed pursuant to Section 6047.9 for all grapes subject to assessment under this article.

(2) The department shall notify each processor of the established assessment rate by July 15, or as soon thereafter as possible.

(b) In no event shall there be an assessment on the following:

(1) Material other than grapes, and defects, or other weight adjustments deducted from the gross weight ticket.

(2) Any raisin-distilling material.

(3) Grapes for which an assessment has been withheld, paid, or is already owed.

SEC. 4. Section 6047.9 of the Food and Agricultural Code is amended to read:

6047.9. (a) For purposes of calculating the amount to be collected by the processor for purchased grapes, the assessment shall be based on the gross dollar value of the grapes, which is the gross dollar amount payable for the grapes before any deductions for governmental assessments and fees.

(b) For purposes of calculating the assessment for grapes not purchased, the assessment shall be based on the following:

(1) The tonnage of grapes delivered less material other than grapes and defects or other weight adjustments deducted from gross weight.

(2) The weighted average price per ton delivered basis purchased from all nonrelated sources for wine, concentrate, juice, wine vinegar, and beverage brandy by processors, by type, variety and reporting district where grown for the grapes delivered, sources as reported by the secretary pursuant to Section 55601.5 for the immediately preceding marketing season.

SEC. 5. Section 6047.19 of the Food and Agricultural Code is amended to read:

6047.19. (a) On or before December 31st of every other year, the secretary, after consultation with the board, shall report on the status of this article to the chairs of the policy and fiscal committees that have the appropriate subject matter jurisdiction in the Assembly and the Senate.

(b) The report shall include a financial accounting, including the distribution of industry assessments and any unexpended amount on deposit, of the department's efforts to contain Pierce's disease and its vectors.

(c) This article shall remain in effect only until March 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before March 1, 2021, deletes or extends that date.

SEC. 6. Section 6047.20 of the Food and Agricultural Code is amended to read:

6047.20. This article shall become inoperative, as of March 1, 2016, unless the secretary finds, in a referendum conducted by him or her, or a person designated by him or her, subsequent to the operative date of the amendments to this section adopted in 2014, that a favorable vote has been given pursuant to this article.

SEC. 7. Section 6047.21 of the Food and Agricultural Code is amended to read:

6047.21. (a) No later than April 15, 2015, the secretary shall establish a list of those persons eligible to vote on the continued implementation of this article.

(b) Eligibility shall be limited to the producers, processors, and persons who paid the assessment on grapes crushed in the immediately preceding season.

(c) (1) In establishing the list, the secretary may require processors, producers, and others to submit the names, mailing addresses, and assessment

values of all producers who paid the assessment on grapes crushed in the immediately preceding marketing season.

(2) The information required by the secretary shall be filed either with the annual assessment report or no later than 30 days following receipt of a written notice from the secretary requesting the information.

(d) Any producer whose name does not appear on the secretary's list may have his or her name added to the list by filing with the secretary a signed statement identifying himself or herself as a producer that paid an assessment during the most recent marketing season.

SEC. 8. Section 6047.27 of the Food and Agricultural Code is amended to read:

6047.27. (a) If the secretary finds that a favorable vote as provided in this article has not been given subsequent to the operative date of the amendments to this section adopted in 2014, this article shall become inoperative as of March 1, 2016.

(b) If the secretary finds that a favorable vote has been given as provided in this article, he or she shall certify and give notice of the favorable vote to all persons whose names and addresses may be on file with the secretary as provided in Section 6047.21.

SEC. 9. Section 6047.29 of the Food and Agricultural Code is amended to read:

6047.29. (a) The secretary shall appoint an advisory task force consisting of scientific experts, including, but not limited to, university researchers and agricultural representatives, for the purpose of advising the secretary on the control and management of Pierce's disease.

(b) Members of the advisory task force, or alternate members when acting as members, may be reimbursed, upon request, for necessary expenses incurred by them in the performance of their duties.

(c) Notwithstanding Sections 6047.20 and 6047.27, this section shall remain in effect until March 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before March 1, 2021, deletes or extends that date.